

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 20 Civ. 2340 (EGS)

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully advise the Court of an October 19, 2020 report from the Office of the Inspector General (“OIG”) at the U.S. Postal Service (appended as Ex. 1). The report is the result of an OIG investigation into the operational changes that the U.S. Postal Service adopted following the installation of Postmaster General Louis DeJoy on June 15, 2020. Ex. 1, at 1, 7.

The OIG found that the Postmaster General implemented three major initiatives in July and August 2020: the elimination of late and extra trips, the Expedited Street Afternoon Sortation initiative, and the restructuring of the agency’s organization. *Id.* at 2, 10. At the same time, agency executives pushed 57 initiatives known as the “Do It Now FY Strategies” that changed “current operations in each function including mail processing, vehicle and maintenance, and post office operations (delivery and retail).” *Id.* These strategies included the removal of sorting machine equipment, which accelerated in June 2020, and the reduction of work hours, including overtime. *Id.*

As pertinent to Plaintiffs’ motion for summary judgment, *see* ECF No. 58, the OIG concluded that the U.S. Postal Service (1) “did not complete a study or analysis of the impact the changes would make on mail service prior to implementation,” but should have, *id.* at 2, 8, 13,

24; (2) implemented the changes “quickly” and “communicated primarily orally, which resulted in confusion and inconsistent application across the country,” *id.* at 2, 8; (3) executed the changes with higher “velocity and consistency” than it did with prior year initiatives, *id.* at 13, 24; (4) “negatively impacted the quality and timeliness of mail delivery nationally” by adopting the changes, with “mail service performance significantly dropped beginning in July 2020, directly corresponding to implementation of the operational changes and initiatives” *id.* at 3, 14; and (5) as a result, “[d]elayed mail in post offices, stations, and other facilities, was higher than [prior year] values and even exceeded the average of peak values,” *id.* at 14–15.

DATED: October 23, 2020

Respectfully submitted,

LETITIA JAMES

Attorney General of the State of New York

By: /s/ Daniela L. Nogueira

Daniela L. Nogueira, *Assistant Attorney General*

Matthew Colangelo

Chief Counsel for Federal Initiatives

Morenike Fajana, *Special Counsel*

Elena Goldstein, *Deputy Chief, Civil Rights Bureau*

Lindsay McKenzie, *Assistant Attorney General*

Laura Mirman-Heslin, *Assistant Attorney General*

Office of the New York State Attorney General

28 Liberty Street

New York, NY 10005

Phone: (212) 416-6057

Daniela.Nogueira@ag.ny.gov

Joshua Tallent, *Assistant Attorney General*

Office of the New York State Attorney General

The Capitol

Albany, NY 12224

Attorneys for the Plaintiffs